

## Message Text

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2353

LIMITED OFFICIAL USE SECTION 1 OF 5 GENEVA 5808

PASS CIEP FOR JURICH, COMMERCE FOR BODNER, AND  
LABOR FOR BLACKMAN

E.O. 11652: N/A

TAGS: ETRD, GATT

SUBJECT: GATT SECRETARIAT DRAFT TEXTILE ARRANGEMENT

REF: JURICH-PHELAN OCTOBER 31 TELECON

1. THERE FOLLOWS TEXT OF OPERATIVE ARTICLES AND ANNEXES OF SECRETARIAT'S DRAFT TEXTILE ARRANGEMENT. TEXT OF PREAMBLE, ARTICLE 7 (EXCHANGE OF DATA), ARTICLE 8 (CIRCUMVENTION AND EVASION), ARTICLE 13 (ACCEPTANCE PROCEDURES), ARTICLE 14 (ENTRY INTO FORCE), ARTICLE 15 (WITHDRAWAL PROVISION), ARTICLE 16 (FIVE YEAR TERM) AND, ARTICLE 17 (MAKING ANNEXES INTEGRAL PART OF ARRANGEMENT) ARE NOT REPEAT NOT INCLUDED. NON-ESSENTIAL WORDS ARE DELETED AND TEXTILE SURVEILLANCE BODY IS ABBREVIATED AS "TSB" WHEREVER REFERENCE

2. BEGIN TEXT:

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A) ARTICLE 1

(1) IT MAY BE DESIRABLE DURING NEXT FEW YEARS FOR SPECIAL PRACTICAL MEASURES OF INTERNATIONAL COOPERATION TO BE APPLIED BY

PARTICIPATING COUNTRIES IN FIELD OF TEXTILES WITH AIM OF ELIMINATING DIFFICULTIES THAT EXIST IN FIELD.

(2) A CONTINUING OBJECTIVE SHALL BE TO SEEK TO ELIMINATE CAUSES OF CHRONIC PROBLEMS IN TRADE IN TEXTILE PRODUCTS.

(3) THE BASIC OBJECTIVE SHALL BE PROGRESSIVELY TO ACHIEVE FULL LIBERALIZATION OF WORLD TRADE IN TEXTILE PRODUCTS, WHILE AT SAME TIME ENSURING ORDERLY DEVELOPMENT AND MORE EQUITABLE SHARING OF TRADE, AND AVOIDANCE OF DISRUPTIVE EFFECTS IN INDIVIDUAL MARKETS, AND ON INDIVIDUAL LINES OF PRODUCTION IN BOTH IMPORTING AND EXPORTING COUNTRIES, INCLUDING AVOIDANCE OF DAMAGE TO A COUNTRY'S MINIMUM VIABLE PRODUCTION OF TEXTILE PRODUCTS.

(4) IN THIS PROCESS OF LIBERALIZATION, NEED FOR DEVELOPING COUNTRIES TO FURTHER ECONOMIC EXPANSION THROUGH DEVELOPMENT OF TEXTILE INDUSTRIES, AND TO SECURE SUBSTANTIAL INCREASE IN EXCHANGE EARNINGS FROM EXPORTS OF TEXTILE PRODUCTS, SHALL RECEIVE SPECIAL ATTENTION IN IMPLEMENTATION OF THIS ARRANGEMENT, DUE ACCOUNT HOWEVER BEING TAKEN OF ANY CONSEQUENTIAL, LEGITIMATE PROBLEMS OF INDUSTRIAL, ECONOMIC AND SOCIAL READJUSTMENT IN DEVELOPED COUNTRIES.

(5) AN ESSENTIAL ELEMENT IN INTERNATIONAL ACTION TO BE TAKEN DURING PERIOD OF VALIDITY OF ARRANGEMENT SHALL BE APPLICATION OF STRUCTURAL ADJUSTMENT MEASURES REQUIRED BY CHANGES IN PATTERN OF TRADE IN TEXTILE PRODUCTS.

(6) APPLICATION OF SAFEGUARD PROCEDURES, SUBJECT TO RECOGNIZED CONDITIONS AND CRITERIA AND UNDER SURVEILLANCE OF AN INTERNATIONAL BODY SET UP FOR THAT PURPOSE, AND WITH FULLEST REGARD BEING HAD TO PRINCIPLES AND OBJECTIVES SET OUT ABOVE, MAY SOMETIMES BE NECESSARY IN FIELD OF TRADE IN TEXTILE PRODUCTS, AND SHOULD FACILITATE PROCESS OF ADJUSTMENT IN TEXTILE INDUSTRY. WITHOUT PREJUDICE TO RIGHTS AND OBLIGATIONS UNDER GATT, THE LIMITED OFFICIAL USE  
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PARTICIPATING COUNTRIES UNDERTAKE NOT TO APPLY SUCH MEASURES EXCEPT IN ACCORDANCE WITH PROVISIONS OF ARRANGEMENT, AND WITH DUE REGARD TO IMPACT OF SUCH MEASURES ON OTHER COUNTRIES.

(7) PARTICIPATING COUNTRIES RECOGNIZE THAT, SINCE MEASURES TAKEN UNDER ARRANGEMENT ARE INTENDED TO DEAL WITH SPECIAL PROBLEMS OF TEXTILE PRODUCTS, SUCH MEASURES SHOULD BE CONSIDERED AS EXCEPTIONAL, AND NOT LENDING THEMSELVES TO APPLICATION IN OTHER FIELDS.

(B) ARTICLE 2

(1) RESTRICTIONS EXISTING AT TIME OF COMING INTO FORCE OF

ARRANGEMENT SHALL BE FULLY REPORTED TO INTERNATIONAL BODY SET UP IN TERMS OF ARTICLE 10 (HEREINAFTER REFERRED TO AS THE TEXTILES SURVEILLANCE BODY) WITHIN SIXTY DAYS OF COMING INTO FORCE OF ARRANGEMENT, AND ANY RESTRICTIONS NOT SO REPORTED OR JUSTIFIED IN ACCORDANCE WITH PROCEDURE AS SET OUT BELOW SHALL BE TERMINATED FORTHWITH.

(2) UNLESS THEY ARE SPECIFICALLY JUSTIFIED UNDER THE PROVISIONS OF GATT, ALL EXISTING RESTRICTIONS SHALL BE ELIMINATED WITHIN PERIOD OF ONE YEAR OF COMING INTO EFFECT OF ARRANGEMENT; IF THAT IS NOT POSSIBLE, THEY SHALL BE PHASED OUT OVER A STATED PERIOD NOT EXCEEDING THREE YEARS; OR JUSTIFIED UNDER TERMS OF THIS ARRANGEMENT; OR MODIFIED TO CONFORM THEREWITH.

(3) ALL ACTIONS OR NEGOTIATIONS UNDER PARAGRAPH 2 ABOVE SHALL BE COMPLETED WITHIN ONE YEAR OF COMING INTO FORCE OF ARRANGEMENT.

(4) PARTICIPATING COUNTRIES SHALL AFFORD FULL OPPORTUNITY FOR BILATERAL CONSULTATION, AND SHALL REPORT SPECIFICALLY TO TSB WITHIN FIRST MONTH OF SECOND YEAR OF ARRANGEMENT ON STATUS OF ANY SUCH RESTRICTIONS AND ON SUCH ACTIONS OR NEGOTIATIONS AS MAY HAVE BEEN UNDERTAKEN PURSUANT TO THIS ARTICLE.

(5) TSB SHALL COMPLETE REVIEW OF SUCH REPORTS WITHIN NINETY DAYS OF RECEIPT. IN REVIEW IT SHALL CONSIDER WHETHER ALL ACTIONS TAKEN ARE IN CONFORMITY WITH THIS ARRANGEMENT. IT MAY MAKE LIMITED OFFICIAL USE  
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APPROPRIATE RECOMMENDATIONS TO PARTICIPATING COUNTRIES DIRECTLY CONCERNED SO AS TO FACILITATE IMPLEMENTATION OF ARRANGEMENT.

(C) ARTICLE 3

(1) EXCEPT TO EXTENT THAT SUCH ACTION IS JUSTIFIED UNDER ARRANGEMENT, PARTICIPATING COUNTRIES SHALL NOT INTRODUCE NEW RESTRICTIONS ON IMPORTS OF TEXTILE PRODUCTS OR INTENSIFY EXISTING RESTRICTIONS INCONSISTENTLY WITH OBLIGATIONS UNDER THE GATT.

(2) ALL MEASURES TAKEN UNDER THIS ARTICLE SUBSEQUENT TO INCEPTION OF ARRANGEMENT SHALL BE REPORTED TO TEXTILES SURVEILLANCE BODY WITHIN THIRTY DAYS OF EFFECTIVE DATE. TSB SHALL BE INFORMED PROMPTLY WHENEVER ANY MEASURE IS MODIFIED OR ELIMINATED.

(3) PARTICIPATING COUNTRIES AGREE THAT MEASURES ENVISAGED IN THIS ARTICLE SHOULD ONLY BE RESORTED TO SPARINGLY, AND SHOULD BE LIMITED TO PERCISE PRODUCTS OR PERCISE GROUPS OR CATEGORIES OF PRODUCTS, AND TO THOSE COUNTRIES WHOSE EXPORTS OF SUCH PRODUCTS ARE CAUSING OR ACTUALLY THREATEN TO CAUSE MARKET DISRUPTION AS DEFINED IN ANNEX

A, TAKING FULL ACCOUNT OF AGREED PRINCIPLES AND OBJECTIVES SET OUT IN  
ARRANGEMENT AND HAVING FULL REGARD TO INTERESTS OF B  
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WHERE MARKET DISRUPTION IS CAUSED OR ACTUALLY THREATENED BY  
IMPORTS FROM MORE THAN ONE PARTICIPATING COUNTRY AND WHEN  
RESORT TO MEASURES ENVISAGED IN THIS ARTICLE IS UNAVOIDABLE.

(4) IF, IN VIEW OF ANY PARTICIPATING IMPORTING COUNTRY,  
ITS MARKET, IN TERMS OF DEFINITION OF MARKET DISRUPTION IN  
ANNEX A IS BEING DISRUPTED, OR IS ACTUALLY THREATENED WITH  
DISRUPTION, BY IMPORTS OF A CERTAIN TEXTILE PRODUCE OR PRODUCTS  
IT SHALL SEEK CONSULTATIONS WITH PARTICIPATING EXPORTING COUNTRY  
OR COUNTRIES CONCERNED WITH VIEW REMOVING OR AVOIDING SUCH  
DISRUPTION. IN ITS REQUEST IMPORTING COUNTRY MAY INDICATE  
SPECIFIC LEVEL AT WHICH IT CONSIDERS EXPORTS SUCH PRODUCTS  
SHOULD BE RESTRAINED, A LEVEL WHICH SHALL NOT BE LOWER THAN ONE  
INDICATED IN ANNEX B. EXPORTING COUNTRY OR COUNTRIES CONCERNED  
SHALL RESPOND PROMPTLY TO SUCH REQUESTS FOR CONSULTATIONS.  
IMPORTING COUNTRY'S REQUEST FOR CONSULTATIONS SHALL BE ACCOMPANIED  
BY DETAILED FACTUAL STATEMENT OF REASONS AND JUSTIFICATION FOR  
REQUEST, INCLUDING LATEST DATA CONCERNING ELEMENTS OF MARKET  
DISRUPTION, THIS INFORMATION BEING COMMUNICATED AT SAME TIME  
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BY REQUESTING COUNTRY TO CHAIRMAN OF TSB.

(5) IF, IN CONSULTATIONS, THERE IS MUTUAL AGREEMENT THAT

SITUATION JUSTIFIED IMPOSITION RESTRICTIONS ON IMPORTS OF TEXTILE PRODUCE OR PRODUCTS CONCERNED, LEVEL RESTRICTION SHALL BE FIXED IN AMOUNT AND MANNER SET OUT IN ANNEX B AND MUTUALLY AGREED. DETAILS OF AGREEMENT SHALL BE COMMUNICATED TO TSB.

(6) IF, ON OTHER HAND, CONSULTATIONS FAIL ACHIEVE MUTUALLY ACCEPTABLE SOLUTION WITHIN A PERIOD OF SIXTY DAYS FROM DATE ON WHICH EXPORTING COUNTRY RECEIVED REQUEST ENTER INTO CONSULTATIONS, MATTER SHALL BE BROUGHT FOR IMMEDIATE ATTENTION TO TSB, EITHER PARTY BEING FREE REFER MATTER TO THAT BODY BEFORE EXPIRY OF PERIOD OF SIXTY DAYS IF IT CONSIDERED THERE WAS JUSTIFIABLE GROUNDS FOR SO DOINGM TSB SHALL PROMPTLY CONDUCT EXAMINATION OF MATTER AND MAKE APPROPRIATE RECOMMENDATIONS TO PARTIES DIRECTLY CONCERNED WITHIN THIRTY DAYS FROM DATE ON WHICH MATTER IS REFERRED TO IT. SUCH RECOMMENDATIONS SHALL ALSO BE FORWARDED TO GATT COUNCIL FOR INFORMATION. IF IMPORTING COUNTRY CONSIDERS ITSELF UNABLE FOLLOW SUCH RECOMMENDATIONS, IT SHALL SO INFORM TSB AND MAY TAKE RESTRICTIVE ACTION IT CONSIDERES NECESSARY. IN THIS EVENT, THOSE COUNTRIES WHOSE EXPORTS TEXTILE PRODUCTS ARE ADVERSELY AFFECTED SHALL BE FREE SEEK COMPENSATION OR TAKE APPROPRIATE RETALIATORY ACTION.

(7) IN CRITICAL CIRCUMSTANCES, WHERE IMPORTS OF TEXTILE PRODUCE OR PRODUCTS DURING PERIOD OF SIXTY DAYS REFERRED TO IN PARAGRAPH 6 ABOVE WOULD CAUSE DAMAGE DIFFICULT REPAIR, IMPORTING COUNTRY MAY TAKE APPROPRIATE TEMPORARY ACTION LIMIT THESE IMPORTS FROM COUNTRY OR COUNTRIES CONCERNED AT LEVEL OF (BLANK) PERCENT ABOVE THAT SPECIFIED IN ANNEX B, AND SHALL, AT SAME TIME, IMMEDIATELY COMMUNICATE TO TSB FULL DETAILS OF TEMPORARY ACTIONS TAKEN. IMPORTING COUNTRY SHALL GIVE AT LEAST ONE WEEK'S PRIOR NOTIFICATION TO PARTICIPATING EXPORTING COUNTRY OR COUNTRIES AND SHALL AFFORD THEM CONCURRENTLY FULL OPPORTUNITY FOR CONSULTATIONS. IN SUCH CONSULTATIONS, PARTICIPATING IMPORTING COUNTRY SHALL PROVIDE PARTICIPATING EXPORTING COUNTRY OR COUNTRIES DIRECTLY CONCERNED WITH SUCH LIMITED OFFICIAL USE  
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DATA AS IS REQUIRED IN CONSULTATION REFERRED TO IN PARA 4 ABOVE. IT SHALL BE OPEN TO EXPORTING COUNTRY, IT IF SO DESIRES, TO EXERCISE EXPORT CONTROL UP TO LIMITS PRESCRIBED, FOR PERIOD OF SIXTY DAYS OR UNTIL SUCH CONSULTATIONS ARE CONCLUDED, WHICH EVER IS SOONER. IF, WITHIN PERIOD OF SIXTY DAYS AFTER MEASURES HAVE BEEN TAKEN BY PARTICIPATING IMPORTING COUNTRY CONCERNED, THERE HAS BEEN NO AGREEMENT ON ANY SOLUTION, PROCEDURES SET OUT IN PARA 6 ABOVE SHALL APPLY.

(8) IF RECOURSE IS HAD TO MEASURES UNDER THIS ARTICLE, PARTICIPATING COUNTRIES SHALL, IN INTRODUCING SUCH MEASURES,

SEEK AVOID DAMAGE TO PRODUCTION AND MARKETING OF EXPORTING COUNTRIES, AND PARTICULARLY DEVELOPING COUNTRIES, AND SHALL AVOID ANY SUCH MEASURES TAKING FORM THAT COULD RESULT IN ESTABLISHMENT ADDITIONAL NON-TARIFF BARRIERS TO TRADE IN TEXTILE PRODUCTS. THEY SHALL, THROUGH PROMPT CONSULTATIONS, PROVIDE FOR SUITABLE PROCEDURES, PARTICULARLY AS REGARDS GOODS WHICH HAVE BEEN OR WHICH ARE ABOUT TO BE SHIPPED.

(9) MEASURES TAKEN UNDER THIS ARTICLE MAY BE INTRODUCED FOR LIMITED PERIODS NOT EXCEEDING ONE YEAR, SUBJECT TO RENEWAL OR EXTENSION FOR ADDITIONAL PERIODS OF ONE YEAR, PROVIDED AGREEMENT IS REACHED BETWEEN PARTICIPATING COUNTRIES DIRECTLY CONCERNED ON SUCH RENEWAL OR EXTENSION.

(10) PARTICIPATING COUNTRIES SHALL KEEP UNDER REVIEW ANY MEASURES TAKEN UNDER THIS ARTICLE AND SHALL AFFORD ANY PARTICIPATING COUNTRY OR COUNTRIES AFFECTED BY SUCH MEASURES, ADEQUATE OPPORTUNITY FOR CONSULTATION WITH VIEW TO ELIMINATION OF MEASURES AS SOON AS POSSIBLE. THEY SHALL REPORT FR LIMITED OFFICIAL USE

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DIFFICULTIES THAT ARISE IN THIS FIELD.

(2) HOWEVER, PARTICIPATING COUNTRIES MAY, CONSISTENTLY WITH BASIC OBJECTIVES AND PRINCIPLES OF ARRANGEMENT, CONCLUDE BILATERAL AGREEMENTS ON MUTUALLY ACCPETABLE TERMS WITH VIEW ENSURING EXPANSION AND ORDERLY DEVELOPMENT OF TRADE IN TEXTILES, AVOIDANCE OF SITUATIONS OF MARKET DISRUPTION AND OTHER DISRUPTIVE EFFECTS IN BOTH IMPORTING AND EXPORTING COUNTRIES AND EQUITABLE TREAMENT OF PARTI-

CIPATING COUNTRIES. IN ACCORDANCE WITH PROVISIONS OF ARTICLE 5 SUCH AGREEMENTS SHALL PROVIDE FOR REASONABLE GROWTH, FLEXIBLE ADMINISTRATION AND, ON OVERALL TERMS, SHALL BE LESS RESTRICTIVE THAN MEASURES PROVIDED FOR IN ARTICLE 3 OF ARRANGEMENT.

(3) PARTICIPATING COUNTRIES SHALL COMMUNICATE TO TSB FULL DETAILS OF AGREEMENTS ENTERED INTO IN TERMS OF THIS ARTICLE WITHIN THIRTY DAYS OF THEIR EFFECTIVE DATE. TSB SHALL BE INFORMED PROMPTLY WHEN SUCH AGREEMENTS ARE LIMITED OFFICIAL USE  
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MODIFIED OR DISCONTINUED. TSB SHALL MAKE SUCH RECOMMENDATIONS AS IT DEEMS APPROPRIATE TO PARTIES CONCERNED.  
E) ARTICLE 5

(1) RESTRICTIONS ON IMPORTS OF TEXTILE PRODUCTS INTRODUCED UNDER PROVISIONS OF ARTICLES 3 AND 4 SHALL BE ADMINISTERED IN FLEXIBLE AND EQUITABLE MANNER AND OVER-CATEGORIZATION SHOULD BE AVOIDED. PARTICIPATING IMPORTING COUNTRY SHOULD TAKE FULL ACCOUNT OF SUCH FACTORS AS ESTABLISHED TARIFF CLASSIFICATION AND QUANTITATIVE UNITS BASED ON NORMAL COMMERCIAL PRACTICES IN EXPORT AND IMPORT TRANSACTIONS, BOTH AS REGARDS FIBRE COMPOSITION AND IN TERMS OF COMPETING FOR SAME SEGMENT OF ITS DOMESTIC MARKET.

(2) WHERE RESTRAINT IS EXERCISED FOR MORE THAN ONE PRODUCT PARTICIPATING COUNTRIES AGREE THAT AGREED LEVEL FOR ANY ONE PRODUCT MAY BE EXCEEDED BY (BLANK) PER CENT, PROVIDED THAT TOTAL EXPORTS SUBJECT TO RESTRAINT DO NOT EXCEED AGGREGATE LEVEL FOR ALL PRODUCTS SO RESTRAINED ON BASIS OF A COMMON UNIT TO BE DETERMINED BY PARTICIPATING COUNTRIES CONCERNED. WHERE RESTRAINTS ARE FOR MORE THAN ONE YEAR CARRY FORWARD AND CARRY OVER OF (BLANK) PER CENT SHALL BE PROVIDED FOR, AND FOR A GROWTH FACTOR AS SPECIFIED IN ANNEX B APPLIED.

(3) WHERE BILATERAL AGREEMENTS ARE CONCLUDED FOR PERIODS LONGER THAN ONE YEAR, LEVEL AT WHICH EXPORTS OF TEXTILE PRODUCTS SHOULD BE RESTRAINED DURING THE FIRST YEAR OF THE AGREEMENT SHALL BE (BLANK) PER CENT ABOVE THAT INDICATED IN ANNEX B. LEVEL OF RESTRAINT SHALL BE INCREASED BY NOT LESS THAN (BLANK) PER CENT ABOVE LEVEL OF PREVIOUS YEAR FOR EACH OF SUBSEQUENT YEARS. ALSO, IN ANY ONE YEAR, EXPORTS MAY EXCEED ANNUAL OVERALL LIMITS, AS WELL AS ANNUAL LIMITS FOR GROUPS, SUB-GROUPS, AND SPECIFIC CATEGORIES, BY NOT MORE THAN LESSER OF (BLANK) PER CENT OF APPLICABLE LIMIT IN PRECEDING AGREEMENT YEAR OR ACTUAL SHORTFALL IN EXPORTS. CARRY FORWARD OF (BLANK) PER CENT SHALL ALSO BE PROVIDED FOR.  
F) ARTICLE 6

(1) RECOGNIZING OBLIGATIONS OF PARTICIPATING COUNTRIES

TO PAY SPECIAL ATTENTION TO NEEDS OF DEVELOPING COUNTRIES  
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NECESSARY APPLY RESTRICTIONS AFFECTING TRADE OF DEVELOPING  
COUNTRIES TO PROVIDE A FORM AND BASIS FOR SUCH RESTRICTIONS  
ON MORE GENEROUS TERMS, INCLUDING SUCH ELEMENTS AS  
BASE LEVEL AND GROWTH RATES, PROVIDED ALWAYS THAT THESE TERMS  
SHALL NOT SERIOUSLY DISCRIMINATE AGAINST ESTABLISHED SUPPLIERS  
OR CREATE SERIOUS DISTORTIONS IN EXISTING PATTERNS TRADE.

(2) IN RECOGNITION OF NEED FOR SPECIAL TREATMENT FOR EXPORTS  
OF TEXTILE PRODUCTS FROM DEVELOPING COUNTRIES THAT ARE NEW  
EXPORTERS OF THESE PRODUCTS, CRITERION OF PAST PERFORMANCE SHALL  
NOT BE APPLIED IN ESTABLISHMENT OF QUOTAS FOR SUCH COUNTRIES AND A  
HIGHER GROWTH RATE SHALL BE ACCORDED THEM ALTHOUGH EVERY EFFORT  
SHOULD BE MADE ENSURE THAT SPECIAL TREATMENT SHALL NOT SERIOUSLY  
DISCRIMINATE AGAINST ESTABLISHED SUPPLIERS OR CREATE SERIOUS  
DISTORTIONS IN EXISTING PATTERNS TRADE.

(3) WHERE RESTRICTIONS ARE APPLIED TO IMPORTS OF COTTON  
TEXTILES IN TERMS OF ARRANGEMENT, PARTICULARLY LIBERAL  
PROVISIONS SHALL BE MADE FOR SIZE OF QUOTAS AND FOR GROWTH  
ELEMENT IN ACCORDANCE WITH TERMS OF ANNEX B.

(4) NO RESTRICTIONS SHALL BE APPLIED TO IMPORTS OF  
HAND-LOOM FABRICS AND PRODUCTS, SUBJECT TO A SATISFACTORY  
SYSTEM OF CERTIFICATION AND CONTROL.

(5) PARTICIPATING COUNTRIES SHALL, AS FAR AS POSSIBLE,  
ELIMINATE IMPORT RESTRICTIONS ON IMPORTATION, UNDER A SYSTEM  
OF TEMPORARY IMPORTATION FOR RE-EXPORT AFTER PROCESSING, OF  
TEXTILE PRODUCTS ORIGINATING IN OTHER PARTICIPATING COUNTRIES.  
G) ARTICLE 9

(1) IN VIEW OF SAFEGUARDS PROVIDED FOR IN ARRANGEMENT  
PARTICIPATING COUNTRIES SHALL, AS FAR AS POSSIBLE, REFRAIN FROM  
TAKING MEASURES WHICH MAY HAVE EFFECT OF NULLIFYING OBJECTIVES  
OF ARRANGEMENT.

(2) IF A PARTICIPATING COUNTRY FINDS ITS INTERESTS ARE  
BEING SERIOUSLY AFFECTED BY ANY MEASURE TAKEN BY ANOTHER PARTICI-  
PATING COUNTRY, COUNTRY MAY REQUEST COUNTRY APPLYING SUCH MEASURE  
TO CONSULT WITH VIEW TO REMEDYING SITUATION.  
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(3) IF PARTICIPATING COUNTRY SO REQUESTED FAILS TAKE



APPROPRIATE REMEDIAL ACTION WITHIN REASONABLE LENGTH OF TIME, REQUESTING PARTICIPATING COUNTRY MAY REFER MATTER TO TSB WHICH SHALL PROMPTLY DISCUSS SUCH MATTER AND MAKE SUCH COMMENTS TO PARTICIPATING COUNTRIES AS IT CONSIDERS APPROPRIATE.

H) ARTICLE 10

(1) THERE IS ESTABLISHED A TSB AS AN INTERNATIONAL SUPERVISORY BODY FOR TRADE IN TEXTILES. IT SHALL CONSIST OF A CHAIRMAN AND (BLANK) MEMBERS, MEMBERSHIP BEING BALANCED AND BROADLY REPRESENTATIVE OF COUNTRIES PARTY TO ARRANGEMENT AS AGREED UPON BY TEXTILES COMMITTEE SET UP IN TERMS OF ARTICLE 11.

(2) TSB SHALL BE CONSIDERED AS A STANDING COMMITTEE AND SHALL MEET AS NECESSARY TO CARRY OUT FUNCTIONS REQUIRED OF IT UNDER ARRANGEMENT. IT SHALL RELY ON INFORMATION TO BE SUPPLIED BY PARTIES CONCERNED, SUPPLEMENTED BY ANY NECESSARY DETAILS AND CLARIFICATION IT MAY DECIDE TO SEEK FROM THEM OR FROM OTHER SOURCES. FURTHER, IT MAY RELY FOR TECHNICAL ASSISTANCE ON SERVICES OF GATT SECRETARIAT AND MAY ALSO HEAR TECHNICAL EXPERTS PROPOSED BY ONE OF ITS MEMBERS. IT MAY ALSO DECIDE TO ESTABLISH A SMALL PERMANENT CADRE OF EXPERTS TO FACILITATE ITS WORK.

NOTE BY OC/T: GENEVA 5808 SECTION 3 OF 5 GARBLED TEXT.  
CORRECTION TO FOLLOW.

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(3) TSB SHALL TAKE ACTION SPECIFICALLY REQUIRED OF IT  
IN ARTICLES OF ARRANGEMENT.

(4) IN ABSENCE MUTUALLY AGREED SOLUTION IN BILATERAL  
CONSULTATIONS PROVIDED FOR IN ARRANGEMENT, TSB AT REQUEST OF  
EITHER PARTY, AND FOLLOWING THOROUGH AND PROMPT CONSIDERATION  
OF MATTER, SHALL MAKE RECOMMENDATIONS TO PARTICIPATING  
COUNTRIES CONCERNED.

(5) TSB SHALL, AT REQUEST OF ANY PARTICIPATING COUNTRY,  
REVIEW PROMPTLY ANY PARTICULAR MEASURES OR ARRANGEMENTS  
WHICH THAT COUNTRY CONSIDERS TO BE DETRIMENTAL TO ITS INTERESTS  
OR WHICH, IN ITS VIEW, ARE BEING APPLIED INCONSISTENTLY WITH  
ARRANGEMENT. IT SHALL MAKE RECOMMENDATIONS TO PARTICIPATING  
COUNTRY OR COUNTRIES APPLYING SUCH MEASURES.

(6) IN CONSIDERING FORMULATION OF ITS RECOMMENDATIONS  
ON ANY PARTICULAR MATTER REFERRED TO IT, TSB MAY INVITE  
PARTICIPATION OF SUCH COUNTRIES AS MAY BE DIRECTLY AFFECTED BY  
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MATTER IN QUESTION.

(7) WHEN TSB IS CALLED UPON MAKE RECOMMENDATIONS OR  
FINDINGS IT SHALL DO SO, EXCEPT WHEN OTHERWISE PROVIDED IN  
ARRANGEMENT, WITHIN PERIOD OF THIRTY DAYS WHENEVER PRACTICABLE.

(8) PARTICIPATING COUNTRIES SHALL ENDEAVOUR ACCEPT IN FULL  
RECOMMENDATIONS OF TSB. WHENEVER THEY CONSIDER THEMSELVES  
UNABLE FOLLOW SUCH RECOMMENDATIONS, THEY SHALL FORTHWITH  
INFORM TSB OF REASONS THEREFOR AND OF EXTENT, IF ANY, TO  
WHICH THEY ARE ABLE FOLLOW RECOMMENDATION.

(9) IN EVENT THAT TSB FAILS ARRIVE AT AN AGREED  
POSITION, MATTER SHALL BE REFERRED TO TEXTILES COMMITTEE.

(10) IF, FOLLOWING RECOMMENDATIONS BY TSB, PROBLEMS  
CONTINUE EXIST BETWEEN PARTIES, THESE MAY BE BROUGHT BEFORE  
TEXTILES COMMITTEE OR BEFORE GATT COUNCIL THROUGH NORMAL  
GATT PROCEDURES.

(11) ANY RECOMMENDATIONS AND OBSERVATIONS OF TSB  
WOULD BE TAKEN INTO ACCOUNT SHOULD MATTERS RELATED TO RECOMMENDA-  
TIONS AND OBSERVATIONS SUBSEQUENTLY BE BROUGHT BEFORE CONTRACTING  
PARTIES, PARTICULARLY UNDER PROCEDURES OF ARTICLE XXIII OF GATT.

(12) TSB SHALL, WITHIN FIFTEEN MONTHS OF COMING INTO FORCE  
OF ARRANGEMENT, AND AT LEAST ANNUALLY THEREAFTER, REVIEW ALL  
RESTRICTIONS ON TEXTILE PRODUCTS MAINTAINED BY PARTICIPATING COUNTRIES

AT COMMENCEMENT OF ARRANGEMENT, AND SUBMIT FINDINGS TO TEXTILES

COMMITTEE.

(13) TSB SHALL ANNUALLY REVIEW ALL RESTRICTIONS INTRODUCED OR BILATERAL AGREEMENTS ENTERED INTO BY PARTICIPATING COUNTRIES CONCERNING TRADE IN TEXTILE PRODUCTS SINCE COMING INTO FORCE OF ARRANGEMENT, AND REQUIRED TO BE REPORTED TO IT UNDER PROVISIONS OF ARRANGEMENT, AND REPORT ANNUALLY ITS FINDINGS TO TEXTILES COMMITTEE.

(14) TSB SHALL ALSO PRESENT ANNUALLY TO TEXTILES COMMITTEE AN ANALYSIS OF CURRENT STATE OF WORLD PRODUCTION LIMITED OFFICIAL USE  
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AND TRADE IN TEXTILE PRODUCTS, INCLUDING ANY MEASURES FACILITATE ADJUSTMENT, AND ITS VIEWS REGARDING MEANS OF FURTHERING EXPANSION AND LIBERALIZATION OF TRADE IN TEXTILE PRODUCTS. IT WILL COLLECT STATISTICAL AND OTHER INFORMATION NECESSARY FOR DISCHARGE OF ITS FUNCTIONS AND WILL BE EMPOWERED REQUEST THE PARTICIPATING COUNTRIES FURNISH SUCH INFORMATION.

(I) ARTICLE 11

(1) THERE IS ESTABLISHED A TEXTILES COMMITTEE CONSISTING OF REPRESENTATIVES OF COUNTRIES PARTY TO ARRANGEMENT. COMMITTEE SHALL CARRY OUT REPONSIBILITIES ASCRIBED TO IT UNDER ARRANGEMENT.

(2) COMMITTEE SHALL MEET FROM TIME TO TIME TO DISCHARGE ITS FUNCTIONS AND TO DEAL WITH MATTERS SPECIFICALLY REFERRED TO IT BY TSB. IT SHALL UNDERTAKE SUCH STUDIES AS PARTICIPATING COUNTRIES MAY DECIDE.

(3) ANY CASE OF DIVERGENCE OF VIEW BETWEEN PARTICIPATING COUNTRIES AS TO INTERPRETATION OR APPLICATION OF ARRANGEMENT MAY BE REFERRED TO COMMITTEE FOR ITS OPINION.

(4) COMMITTEE SHALL REPORT AS NECESSARY TO GATT COUNCIL. IT SHALL ONCE A YEAR REVIEW OPERATION OF ARRANGEMENT AND REPORT THEREON TO COUNCIL. TO ASSIST IN REVIEW, COMMITTEE SHALL HAVE BEFORE IT A REPORT FROM TSB, A COPY OF WHICH WILL ALSO BE TRANSMITTED TO COUNCIL. REVIEW DURING THIRD YEAR SHALL BE A MAJOR REVIEW OF ARRANGEMENT IN LIGHT OF ITS OPERATION IN PRECEDING YEARS.

(5) COMMITTEE SHALL MEET NOT LATER THAN ONE YEAR BEFORE EXPIRY OF ARRANGMENT IN ORDER CONSIDER WHETHER ARRANGEMENT SHOULD BE EXTENDED, MODIFIED OR DISCONTINUED.

(J) ANNEX A

I. DETERMINATION OF A SITUATION OF "MARKET DISRUPTION", AS REFERRED TO IN ARRANGEMENT, SHALL BE BASED ON EVALUATION OF

FOLLOWING ELEMENTS GENERALLY APPEARING IN COMBINATION:

(I) A SHARP AND SUBSTANTIAL INCREASE OR POTENTIAL  
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INCREASE OF IMPORTS OF PARTICULAR PRODUCTS FROM  
PARTICULAR SOURCES. SUCH A POTENTIAL INCREASE SHALL  
BE AN IMMINENT ONE AND SHALL NOT BE DETERMINED TO  
EXIST ON THE BASIS OF ALLEGATION, CONJECTURE OR MERE  
POSSIBILITY ARISING, FOR EXAMPLE FROM EXISTENCE OF  
PRODUCTION CAPACITY IN EXPORTING COUNTRIES;

(II) THESE PRODUCTS ARE OFFERED AT PRICES WHICH ARE  
SUBSTANTIALLY BELOW THOSE PREVAILING FOR SIMILAR GOODS  
OF COMPARABLE QUALITY IN MARKET OF IMPORTING  
COUNTRY. SUCH PRICES SHALL BE COMPARED BOTH WITH  
PRICE FOR DOMESTIC PRODUCT AT COMPARABLE STAGES  
OF COMMERCIAL TRANSACTION, AND WITH PRICES AT  
WHICH OTHER EXPORTING COUNTRIES ALSO SELL SUCH  
PRODUCT IN IMPORTING COUNTRY;

(III) PRICE DIFFERENTIALS REFERRED TO IN SUB-PARAGRAPH  
(II) ABOVE DO NOT ARISE FROM GOVERNMENTAL  
INTERVENTION IN FIXING OR INFORMATION OF PRICES, OR  
FROM DUMPING PRACTICES;

(IV) THERE IS SERIOUS DAMAGE TO DOMESTIC PRODUCERS OR THREAT  
THEREOF. SUCH DAMAGE MUST BE CAUSED BY THE FACTORS SET  
OUT IN (I) AND (III) ABOVE AND NOT BY CHANGES IN CONSUMER  
PREFERENCE WHICH ARE INSTRUMENTAL IN SWITCHES TO LIKE  
AND DIRECTLY COMPETITIVE PRODUCTS MADE BY  
SAME INDUSTRY, OR SIMILAR FACTORS. EXISTENCE OF DAMAGE  
SHALL BE DETERMINED ON BASIS OF AN EXAMINATION OF  
APPROPRIATE FACTORS HAVING A BEARING ON STATE OF  
INDUSTRY IN QUESTION SUCH AS: TURNOVER, MARKET SHARE,  
PROFITS, EXPORT PERFORMANCE, EMPLOYMENT, VOLUME OF  
DISRUPTIVE AND OTHER IMPORTS, PRODUCTION, UTILIZATION OF  
CAPACITY AND PRODUCTIVITY. NO ONE OF SEVERAL OF THESE

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ACTION EB-11

INFO OCT-01 IO-14 ISO-00 OIC-04 AF-10 ARA-16 EA-11 EUR-25

NEA-10 RSC-01 SSO-00 NSCE-00 USIE-00 INRE-00 AGR-20

CEA-02 CIAE-00 COME-00 DODE-00 FRB-02 H-03 INR-10

INT-08 L-03 LAB-06 NSAE-00 NSC-10 PA-04 AID-20

CIEP-02 SS-20 STR-08 TAR-02 TRSE-00 PRS-01 SPC-03

OMB-01 DRC-01 /229 W

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FACTORS CAN NECESSARILY GIVE DECISIVE GUIDANCE.

II. IN CONSIDERING QUESTIONS OF "MARKET DISRUPTION" ACCOUNT SHALL BE TAKEN OF INTERESTS OF EXPORTING COUNTRY, ESPECIALLY IN REGARD TO ITS STAGE OF DEVELOPMENT, IMPORTANCE OF TEXTILE SECTOR TO ECONOMY, OVERALL BALANCE OF TRADE IN TEXTILES, TRADE BALANCE WITH IMPORTING COUNTRY CONCERNED AND OVERALL BALANCE PAYMENTS.

K) ANNEX B

1. (A) LEVEL BELOW WHICH IMPORTS OR EXPORTS OF TEXTILE PRODUCTS CAUSING OR ACTUALLY THREATENING CAUSE MARKET DISRUPTION MAY NOT BE RESTRAINED UNDER PROVISIONS OF ARTICLE 3 SHALL BE LEVEL OF ACTUAL IMPORTS OR EXPORTS OF SUCH PRODUCTS DURING TWELVE-MONTH PERIOD TERMINATING THREE MONTHS PRECEDING MONTH IN WHICH REQUEST FOR CONSULTATION IS MADE OR, WHERE APPLICABLE, DATE OF NOTIFICATION OF A FORMAL PUBLIC INQUIRY INTO SITUATION OF MARKET DISRUPTION.

(B) WHERE A BILATERAL AGREEMENT ON YEARLY LEVEL OF RESTRAINT EXISTS BETWEEN PARTICIPATING COUNTRIES CONCERNED COVERING TWELVE-MONTH PERIOD REFERRED TO IN PARAGRAPH (A), LEVEL BELOW WHICH IMPORTS OF TEXTILE PRODUCTS CAUSING OR ACTUALLY THREATENING CAUSE MARKET DISRUPTION MAY NOT BE RESTRAINED UNDER PROVISIONS ARTICLE 3 SHALL BE LIMITED OFFICIAL USE  
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LEVEL PROVIDED FOR IN BILATERAL AGREEMENT IN LIEU OF LEVEL OF ACTUAL IMPORTS OR EXPORTS DURING TWELVE-MONTH PERIOD REFERRED TO IN PARAGRAPH (A).

WHERE TWELVE-MONTH PERIOD REFERRED TO IN PARAGRAPH

(A) OVERLAPS IN PART WITH PERIOD COVERED BY BILATERAL AGREEMENT, LEVEL SHALL BE:

- (I) LEVEL PROVIDED FOR IN BILATERAL AGREEMENT, OR LEVEL OF ACTUAL IMPORTS OR EXPORTS, WHICHEVER IS HIGHER, FOR MONTHS WHERE THE PERIOD COVERED BY BILATERAL AGREEMENT AND TWELVE-MONTH PERIOD REFERRED TO IN PARAGRAPH (A) OVERLAP; AND
- (II) LEVEL OF ACTUAL IMPORTS OR EXPORTS FOR MONTHS WHERE NO OVERLAP OCCURS.

(C) IF TWELVE-MONTH PERIOD REFERRED TO IN PARAGRAPH (A) IS ESPECIALLY ADVERSE FOR A PARTICULAR EXPORTING COUNTRY DUE TO

ABNORMAL CIRCUMSTANCES, PAST PERFORMANCE OF IMPORTS FROM THAT COUNTRY OVER A PERIOD OF YEARS SHOULD BE TAKEN INTO ACCOUNT.

(D) WHERE IMPORTS OR EXPORTS OF TEXTILE PRODUCTS CAUSING OR ACTUALLY THREATENING CAUSE MARKET DISRUPTION WERE NIL OR NEGLIGIBLE DURING TWELVE-MONTH PERIOD REFERRED TO IN PARAGRAPH (A) A REASONABLE IMPORT LEVEL TO TAKE ACCOUNT OF FUTURE POSSIBILITIES OF EXPORTING COUNTRY SHALL BE ESTABLISHED THROUGH CONSULTATION BETWEEN PARTICIPATING COUNTRIES CONCERNED. SUCCEEDING IMPORTS OR EXPORTS, SHOULD RESTRAINT MEASURE REMAIN IN FORCE, SHALL BE INCREASED BY (BLANK) PER CENT OVER AND ABOVE THE PERCENTAGE GROWTH RATE SET OUT FOR OTHER IMPORTS IN PARAGRAPH 2 BELOW.

2. SHOULD RESTRAINT MEASURES REMAIN IN FORCE FOR ANOTHER TWELVE-MONTH PERIOD, LEVEL FOR THAT PERIOD SHALL NOT BE LOWER THAN LEVEL SPECIFIED FOR PRECEDING TWELVE-MONTH PERIOD, INCREASED BY NOT LESS THAN (BLANK) PER CENT FOR COTTON TEXTILES PRODUCTS, AND BY NOT LESS THAN (BLANK) PER CENT FOR OTHER TEXTILE PRODUCTS. IN EXCEPTIONAL CASES, E.G. WHERE DOMESTIC INDUSTRY IN IMPORTING COUNTRY WOULD BE LIKELY EXPERIENCE NEW CONDITIONS OR MARKET DISRUPTION IF ABOVE GROWTH RATE IS IMPLEMENTED; OR, WHERE CERTAIN COUNTRIES WITH SMALL MARKETS ARE IMPORTING A SUBSTANTIAL VOLUME OF TEXTILE PRODUCTS IN RELATION TO THEIR DOMESTIC PRODUCTION OF THESE PRODUCTS AND LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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IMPLEMENTATION OF ABOVE GROWTH RATE WOULD CAUSE SERIOUS PROBLEMS TO THEIR INDUSTRIES; A PERCENTAGE BETWEEN (BLANK) AND ZERO MAY BE APPLIED AFTER CONSULTATION WITH EXPORTING COUNTRY CONCERNED.

RECORD OF UNDERSTANDING

(SUCH A RECORD MAY BE ENVISAGED TO COVER SPECIFIC POINTS, CERTAIN DEFINITIONS AND PROCEDURAL MATTERS.)

END TEXT. BASSIN

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## Message Attributes

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**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 09 OCT 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <09-Oct-2001 by eisnerah>; APPROVED <06-Dec-2001 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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